

ARTICLE 26

EMPLOYEE ASSISTANCE PROGRAM

1. General:

- a. The Forest Service shall maintain an employee assistance program (formally called CONCERN) meeting the requirements of applicable laws, regulations, and guidelines found in Public Laws 91-616 and 92-255. The Union and Management, including Local parties, shall discuss and negotiate any Management-proposed changes or recommendations relative to the program for employees with medical/behavioral problems. The program will be consistent with the provisions of the Forest Service Manual 6760.
- b. Employee participation in the program shall be voluntary, although supervisors have a responsibility to identify poor job performance and refer an employee to this program as corrective action.
- c. An employee may bring a Union representative to any discussion in connection with this article.
- d. Management will publicize the employee assistance program on official bulletin boards, in orientation of new employees, and in employee assistance program updates in electronic communications (EC) system.

2. Policy:

- a. The Parties acknowledge that the employee has the primary responsibility to maintain acceptable performance and for taking any actions or treatment necessary to maintain it. When an employee sincerely seeks treatment in order to maintain or regain acceptable performance or conduct, Management will provide assistance, create

an atmosphere of understanding, and attempt to remove the effects of social stigma associated with the problem.

- b. Management will attempt to provide employees with the appropriate assistance to overcome problems that contribute to poor performance or conduct.
- c. It is a basic function of a supervisor to identify poor job performance and to take corrective action.
- d. Management recognizes alcoholism, other drug dependencies, and mental illness as illnesses. Employees who have these illnesses will receive the same careful consideration and respect as employees who have other illnesses. The same consideration will be given to employees who have other personal problems that contribute to poor performance or conduct. Employees who may be impacted by other employees or family members with these illnesses will receive the same careful consideration and respect.
- e. Diagnosis and treatment should be accomplished by referral of employees to outside professional treatment and assistance sources.

3. Responsibilities and Guidelines:

- a. When a supervisor, through daily job contact, observes that an employee is experiencing difficulties in maintaining his or her job performance, the supervisor will discuss the apparent difficulties with the employee.
- b. If the employee is unable to correct his or her job performance difficulties through his or her own efforts, Management will refer the employee to the Employee Assistance Program.
- c. The focus of corrective discussions by supervisors is restricted to the issue of job performance or conduct and the possible job-related consequences.

- d. Conduct that has medical aspects, such as conduct that evidences emotional disorder, impaired judgment, or alcohol or drug abuse, will be addressed as medical problems in an effort to provide rehabilitation to the employee. An employee who refuses professional help or is unable to improve his or her performance or conduct with the assistance of a medical rehabilitation program may be subject to disciplinary action or separation.
 - e. Supervisors shall consider the guidance of the referral sources in establishing reasonable expectations for an employee's recovery time.
 - f. Participation in the program shall not jeopardize an employee's job security or his or her opportunity to compete for promotion.
 - g. Sick leave is an appropriate form of leave for treatment or counseling sessions.
 - h. The program advisor shall maintain an up-to-date listing of community facilities for treatment of medical/behavioral problems. Such listing shall include, when known, the cost of such services and eligibility requirements.
 - i. In most circumstances, a disciplinary action may be held in abeyance if the employee enters an appropriate rehabilitation program, permits the counselor to report to Management on the employee's attendance in the program, and is making observable progress in conduct and/or performance on the job.
- 4. Confidentiality:** Except as required by law (Title 5 United States Code Section 522a) or regulation (Title 5 CFR 297.401), medical history records, including those containing behavioral information, will not be disclosed without the employee's written consent. When such information is disclosed without the employee's consent, except to those officers or employees of the U.S. Department of Agriculture who have a need for the record in the performance of his or her duties, the employee will be notified, unless such

notification is prohibited by law or regulation. The notification will state the date of disclosure, to whom the information was disclosed, and the nature and purpose of the disclosure.